

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, et al.,

Plaintiffs,

v.

JASON KESSLER, et al.,

Defendants.

No. 3:17-cv-00072-NKM

JURY TRIAL DEMANDED

**DEFENDANTS DAVID MATTHEW PARROTT, MATTHEW HEIMBACH, AND
TRADITIONALIST WORKER PARTY’S EMERGENCY MOTION FOR PROTECTIVE
ORDER TEMPORARILY RESTRICTING EXTRAJUDICIAL STATEMENTS BY
PARTIES, THEIR COUNSEL, AND ANY ORGANIZATION FUNDING
THIS LITIGATION**

Defendants David Matthew Parrott (“David Matthew”), Matthew Heimbach (“Matthew”), and Traditionalist Worker Party (“TradWorker”) respectfully move the Court for a protective order temporarily restricting (until the end of trial) extrajudicial public statements by (1) all parties to this litigation, (2) their counsel, and (3) any other organization funding this litigation — specifically, a tax-exempt (501(c)(3)) entity that calls itself “Integrity First for America” (“IFA”).¹

Why Is This an Emergency Motion?

This is why:

¹ Nearly all (if not the entirety) of Plaintiffs’ counsel’s legal bills and expenses in this litigation are paid for through IFA.

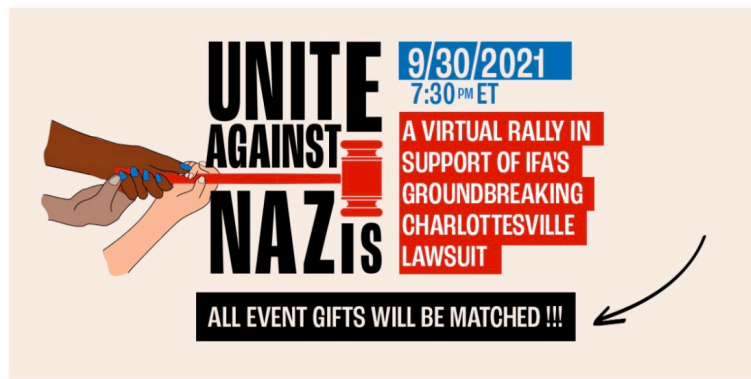


██████,

We're now just one-month away from our trial against the Nazis, white supremacists, and hate groups responsible for the attack on Charlottesville.

And we're just under a week away from our [largest-ever event – a virtual rally on Thursday, September 30th at 7:30pm ET](#) bringing together our partners from the civil rights and anti-extremism communities in support of this groundbreaking lawsuit.

We've got a truly humbling array of speakers and partner organizations lined up for the rally. But before we get to that, **I wanted to share this exciting news:**



To help us reach our \$100,000 fundraising goal for this rally, **an anonymous group of donors has agreed to match every single gift that comes in for this event, starting right now.**

We still have a significant amount to raise in the next month to cover security costs and ensure the safety of the plaintiffs and the IFA team as we head to court in the midst of ongoing threats and a global pandemic. We're counting on your support.

Double your contribution to the Charlottesville lawsuit >>

You can also contribute during the event if you prefer. But giving now will ensure you don't miss any of these amazing speakers at the program:

Topher Grace
Actor, BlackKlansman
Rep. Jamie Raskin
US Representative, MD-8
Heidi Beirich
Co-Founder, The Global Project Against Hate and Extremism
Reverend Brenda Brown-Grooms
Pastor, New Beginnings Christian Community
Brenda Castillo
President and CEO, National Hispanic Media Coalition
Welton Chang
Chief Technology Officer, Human Rights First
Reverend Kaji Douša
Senior Minister and CEO, Park Avenue Christian Church
Margaret Huang
President/CEO, SPLC
Rabbi Michael Adam Latz
Lead Rabbi, Shir Tikvah Congregation
Salam Al-Marayati
President, Muslim Public Affairs Council
Oren Segal
Vice President of the ADL Center on Extremism
Justin Wagner
Senior Investigations Counsel, Everytown
Eric Ward
Executive Director, Western States Center
And members of the IFA team

Yep, it's going to be an incredible evening. [If you haven't registered yet, what are you waiting for?](#)

Register here to be part of our virtual rally

That's a lot of news to share in one email, but I don't want to close without thanking **our partners** for this event: ADL, Everytown, Human Rights First, JDCA, J Street, MPAC, SPLC, and the Western States Center.

I hope you'll join us on September 30th -- and if you're in a position to do so, [I hope you'll get us closer to the finish line in this lawsuit by making a MATCHED donation today.](#)

Thanks so much for your support,

Amy Spitalnick
Executive Director, Integrity First for America

Above: A mass-distributed e-mail from IFA, dated September 24, 2021, with the subject line “Announcing Speakers (And More Exciting News) for Next Week’s Unite Against Nazis.” (A true and correct copy is annexed hereto as Exhibit 1.)

It has recently come to the undersigned's attention that IFA has planned a public, online "rally" event on Thursday, September 30, 2021.

This Court previously noted Plaintiffs' assertion that "Defendants' concerns about a media 'spectacle' are unsubstantiated." (ECF No. 980 at 7.)

Well, those concerns just got substantiated. This is a spectacle — being made by an organization directly funding this litigation (with the direct participation of, and facilitation by, Plaintiffs' counsel). Moreover, the event includes, as a speaker, a Congressman from an area near the pool of potential jurors.

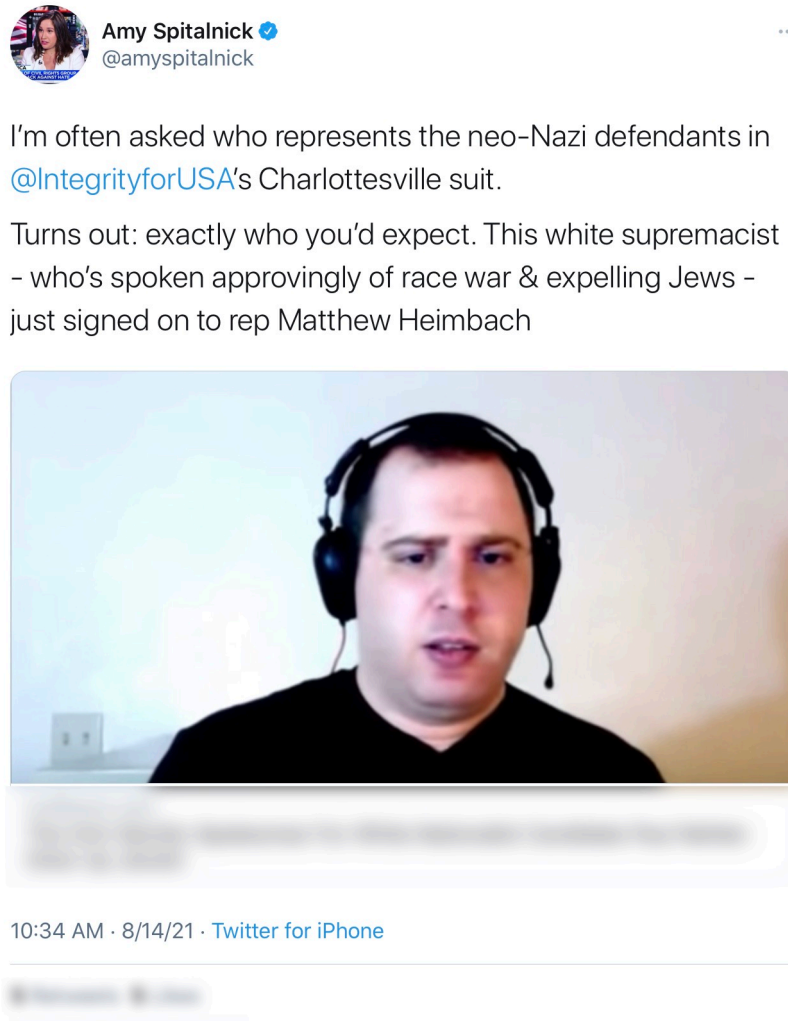
This is a civil litigation. It is not a fundraising pageant.

The Court has already expressed some concern over its ability to seat an impartial jury in Charlottesville, ultimately concluding that extensive *voir dire* will be sufficient to overcome any contamination in the pool of prospective jurors. (*See id.*) If so, it is critical that the jury pool at least not be unnecessarily further exposed to risk of contamination — *especially due to actions of the parties, their attorneys, and any organization funding this litigation.*

It is, of course, well-settled that the Court possesses inherent authority to order the requested protective measures, and it should do so here. Otherwise, it is possible that additional contamination of the jury pool prior to *voir dire* could become substantial enough that it may no longer constitute an adequate safeguard for seating a proper jury.

All parties to this litigation, including the Court, want to make sure this upcoming trial takes place, *as scheduled*. However, this does give Plaintiffs an incentive to make especially inflammatory and prejudicial public statements, knowing that remedies such as a mistrial will not be seriously considered by the Court. Indeed, IFA's frequent public statements about the case —

already saturated with anti-White epithets (*e.g.*, “White supremacist,” “neo-Nazi”) and other invective — have, in recent weeks, become increasingly provocative and inappropriate, in an obvious attempt to generate increased media attention. For example:



Above: An inflammatory tweet from Amy Spitalnick, IFA's Executive Director, dated August 14, 2021, maliciously attacking, and attempting to intimidate, the undersigned counsel for multiple Defendants. (A true and correct copy is annexed hereto as Exhibit 2.)

URL: <https://twitter.com/amyspitalnick/status/1426552781494800385>

Archive: <https://archive.is/H2yyQ>

In no circumstance is this kind of targeted extrajudicial attack on opposing counsel appropriate.

Another example:



The Charlottesville Case

The Charlottesville case is a landmark case in the history of the First Amendment. It is a case that has the potential to set a precedent for the future of free speech in America. The case is a result of the actions of a small group of people who sought to bring attention to the issue of hate speech. The case is a result of the actions of a small group of people who sought to bring attention to the issue of hate speech.

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Our plaintiffs have already won over \$47,000 in monetary sanctions against other defendants in the case, with more pending, and could receive multi-million judgments at trial.

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Upcoming Virtual Events

Thursday, September 30
Unite Against Nazis - A Virtual Rally in Support of IFA's Groundbreaking Charlottesville Lawsuit



In just a few weeks, we'll be hosting our largest-ever virtual event with a broad network of allied organizations and some very special guests. This event will be one of our final opportunities before trial to raise awareness of our lawsuit and bring in critically-needed funds to support of our plaintiffs.

Watch our Instagram, Facebook, and Twitter for speaker announcements in the coming week -- and in the meantime, please register for the event and invite friends to join.

[Register now](#)

Thursday, October 7
The Temple Emanu-El Streicker Center Presents - Integrity First for America: Exposing the Web of Hatred

The Streicker Center is known for fantastic programming. This October they're holding events with Hillary Clinton, Anderson Cooper, and a slew of notable authors -- so we're honored that they're hosting IFA a second time on the eve of our trial. Our team will detail how our Charlottesville case connects to the Capitol insurrection and the overall rise in violent extremism witnessed in recent years -- and the importance of bringing these extremists to justice.

Above: A mass-distributed e-mail from IFA, dated September 12, 2021, claiming that “[o]ur plaintiffs . . . could receive multi-million [dollar] judgments at trial.” This e-mail further outlines how IFA plans to contaminate the potential jury pool with claims that the “Charlottesville case connects to the [January 6, 2021] Capitol insurrection” — a much more recent, politically-charged event having no actual relevance whatsoever to this litigation. (A true and correct copy is annexed hereto as Exhibit 3.)

Calling publicly for multimillion-dollar judgments sets an expectation in the minds of the public (and thus potential jurors) at the outset that the damages must be worth millions of dollars, which is grossly prejudicial to Matthew, David Matthew, and TradWorker (as well as other Defendants).²

With trial now less than a month away, the Court should exercise appropriate caution by simply eliminating any further potential for any prejudicial, extrajudicial public statements until trial concludes.

Respectfully submitted,

/s/ Joshua Smith

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*Counsel for Defendants David Matthew
Parrott, Matthew Heimbach, and
Traditionalist Worker Party*

Dated: September 27, 2021

² Indeed, this is precisely why some courts do not allow plaintiffs to allege in pleadings specific dollar amounts sought for unliquidated damages. *See, e.g.,* W.D. Pa. Civ. R. 8 (“No party shall set forth in a pleading originally filed with this Court a specific dollar amount of unliquidated damages . . . except as may be necessary to invoke the diversity jurisdiction of the Court or to otherwise comply with any rule, statute or regulation which requires that a specific amount in controversy be pled in order to state a claim for relief or to invoke the jurisdiction of the Court.”)

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2021, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to all counsel of record in the case, as well as all ECF-registered *pro se* parties.

I hereby further certify that on September 27, 2021, I served a copy of the foregoing on the following non-ECF *pro se* parties, via electronic mail, as follows:

Richard Spencer
richardbspencer@icloud.com
richardbspencer@gmail.com

Vanguard America
c/o Dillon Hopper
dillon_hopper@protonmail.com

Robert “Azzmador” Ray
azzmador@gmail.com

Elliott Kline a/k/a Eli Mosley
eli.f.mosley@gmail.com
deplorabletruth@gmail.com
eli.r.kline@gmail.com

I hereby further certify that on September 27, 2021, I served a copy of the foregoing on the following non-ECF *pro se* party, via first-class mail, as follows:

Christopher Cantwell (00991-509)
USP Marion
U.S. Penitentiary
P.O. Box 1000
Marion, IL 62959

/s/ Joshua Smith

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